



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0592

Introduced 2/5/2007, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.1

from Ch. 95 1/2, par. 11-501.1

Amends the Illinois Vehicle Code. Provides that any person who drives a vehicle on the highways of this State is deemed to have given consent to having his or her saliva (as well as his or her breath, blood, or urine) tested for the presence of drugs, intoxicating compounds, or alcohol. Provides for statutory summary suspension of the person's driving privileges if he or she refuses the testing or if his or her saliva reveals an alcohol concentration of 0.08 or more or the presence of drugs or intoxicating compounds in any amount.

LRB095 07709 DRH 27865 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.1 as follows:

6 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

7 Sec. 11-501.1. Suspension of drivers license; statutory
8 summary alcohol, other drug or drugs, or intoxicating compound
9 or compounds related suspension; implied consent.

10 (a) Any person who drives or is in actual physical control
11 of a motor vehicle upon the public highways of this State shall
12 be deemed to have given consent, subject to the provisions of
13 Section 11-501.2, to a chemical test or tests of blood, breath,
14 saliva, or urine for the purpose of determining the content of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds or any combination thereof in the person's blood if
17 arrested, as evidenced by the issuance of a Uniform Traffic
18 Ticket, for any offense as defined in Section 11-501 or a
19 similar provision of a local ordinance, or if arrested for
20 violating Section 11-401. The test or tests shall be
21 administered at the direction of the arresting officer. The law
22 enforcement agency employing the officer shall designate which
23 of the aforesaid tests shall be administered. A urine test may

1 be administered even after a blood, ~~or~~ breath, or saliva test
2 ~~or both~~ has been administered. For purposes of this Section, an
3 Illinois law enforcement officer of this State who is
4 investigating the person for any offense defined in Section
5 11-501 may travel into an adjoining state, where the person has
6 been transported for medical care, to complete an investigation
7 and to request that the person submit to the test or tests set
8 forth in this Section. The requirements of this Section that
9 the person be arrested are inapplicable, but the officer shall
10 issue the person a Uniform Traffic Ticket for an offense as
11 defined in Section 11-501 or a similar provision of a local
12 ordinance prior to requesting that the person submit to the
13 test or tests. The issuance of the Uniform Traffic Ticket shall
14 not constitute an arrest, but shall be for the purpose of
15 notifying the person that he or she is subject to the
16 provisions of this Section and of the officer's belief of the
17 existence of probable cause to arrest. Upon returning to this
18 State, the officer shall file the Uniform Traffic Ticket with
19 the Circuit Clerk of the county where the offense was
20 committed, and shall seek the issuance of an arrest warrant or
21 a summons for the person.

22 (b) Any person who is dead, unconscious, or who is
23 otherwise in a condition rendering the person incapable of
24 refusal, shall be deemed not to have withdrawn the consent
25 provided by paragraph (a) of this Section and the test or tests
26 may be administered, subject to the provisions of Section

1 11-501.2.

2 (c) A person requested to submit to a test as provided
3 above shall be warned by the law enforcement officer requesting
4 the test that a refusal to submit to the test will result in
5 the statutory summary suspension of the person's privilege to
6 operate a motor vehicle as provided in Section 6-208.1 of this
7 Code. The person shall also be warned by the law enforcement
8 officer that if the person submits to the test or tests
9 provided in paragraph (a) of this Section and the alcohol
10 concentration in the person's blood, ~~or~~ breath, or saliva is
11 0.08 or greater, or any amount of a drug, substance, or
12 compound resulting from the unlawful use or consumption of
13 cannabis as covered by the Cannabis Control Act, a controlled
14 substance listed in the Illinois Controlled Substances Act, or
15 an intoxicating compound listed in the Use of Intoxicating
16 Compounds Act is detected in the person's blood, saliva, or
17 urine, a statutory summary suspension of the person's privilege
18 to operate a motor vehicle, as provided in Sections 6-208.1 and
19 11-501.1 of this Code, will be imposed.

20 A person who is under the age of 21 at the time the person
21 is requested to submit to a test as provided above shall, in
22 addition to the warnings provided for in this Section, be
23 further warned by the law enforcement officer requesting the
24 test that if the person submits to the test or tests provided
25 in paragraph (a) of this Section and the alcohol concentration
26 in the person's blood, ~~or~~ breath, or saliva is greater than

1 0.00 and less than 0.08, a suspension of the person's privilege
2 to operate a motor vehicle, as provided under Sections 6-208.2
3 and 11-501.8 of this Code, will be imposed. The results of this
4 test shall be admissible in a civil or criminal action or
5 proceeding arising from an arrest for an offense as defined in
6 Section 11-501 of this Code or a similar provision of a local
7 ordinance or pursuant to Section 11-501.4 in prosecutions for
8 reckless homicide brought under the Criminal Code of 1961.
9 These test results, however, shall be admissible only in
10 actions or proceedings directly related to the incident upon
11 which the test request was made.

12 (d) If the person refuses testing or submits to a test that
13 discloses an alcohol concentration of 0.08 or more, or any
14 amount of a drug, substance, or intoxicating compound in the
15 person's breath, blood, saliva, or urine resulting from the
16 unlawful use or consumption of cannabis listed in the Cannabis
17 Control Act, a controlled substance listed in the Illinois
18 Controlled Substances Act, or an intoxicating compound listed
19 in the Use of Intoxicating Compounds Act, the law enforcement
20 officer shall immediately submit a sworn report to the circuit
21 court of venue and the Secretary of State, certifying that the
22 test or tests was or were requested under paragraph (a) and the
23 person refused to submit to a test, or tests, or submitted to
24 testing that disclosed an alcohol concentration of 0.08 or
25 more.

26 (e) Upon receipt of the sworn report of a law enforcement

1 officer submitted under paragraph (d), the Secretary of State
2 shall enter the statutory summary suspension for the periods
3 specified in Section 6-208.1, and effective as provided in
4 paragraph (g).

5 If the person is a first offender as defined in Section
6 11-500 of this Code, and is not convicted of a violation of
7 Section 11-501 of this Code or a similar provision of a local
8 ordinance, then reports received by the Secretary of State
9 under this Section shall, except during the actual time the
10 Statutory Summary Suspension is in effect, be privileged
11 information and for use only by the courts, police officers,
12 prosecuting authorities or the Secretary of State.

13 (f) The law enforcement officer submitting the sworn report
14 under paragraph (d) shall serve immediate notice of the
15 statutory summary suspension on the person and the suspension
16 shall be effective as provided in paragraph (g). In cases where
17 the blood alcohol concentration of 0.08 or greater or any
18 amount of a drug, substance, or compound resulting from the
19 unlawful use or consumption of cannabis as covered by the
20 Cannabis Control Act, a controlled substance listed in the
21 Illinois Controlled Substances Act, or an intoxicating
22 compound listed in the Use of Intoxicating Compounds Act is
23 established by a subsequent analysis of blood, saliva, or urine
24 collected at the time of arrest, the arresting officer or
25 arresting agency shall give notice as provided in this Section
26 or by deposit in the United States mail of the notice in an

1 envelope with postage prepaid and addressed to the person at
2 his address as shown on the Uniform Traffic Ticket and the
3 statutory summary suspension shall begin as provided in
4 paragraph (g). The officer shall confiscate any Illinois
5 driver's license or permit on the person at the time of arrest.
6 If the person has a valid driver's license or permit, the
7 officer shall issue the person a receipt, in a form prescribed
8 by the Secretary of State, that will allow that person to drive
9 during the periods provided for in paragraph (g). The officer
10 shall immediately forward the driver's license or permit to the
11 circuit court of venue along with the sworn report provided for
12 in paragraph (d).

13 (g) The statutory summary suspension referred to in this
14 Section shall take effect on the 46th day following the date
15 the notice of the statutory summary suspension was given to the
16 person.

17 (h) The following procedure shall apply whenever a person
18 is arrested for any offense as defined in Section 11-501 or a
19 similar provision of a local ordinance:

20 Upon receipt of the sworn report from the law enforcement
21 officer, the Secretary of State shall confirm the statutory
22 summary suspension by mailing a notice of the effective date of
23 the suspension to the person and the court of venue. However,
24 should the sworn report be defective by not containing
25 sufficient information or be completed in error, the
26 confirmation of the statutory summary suspension shall not be

1 mailed to the person or entered to the record; instead, the
2 sworn report shall be forwarded to the court of venue with a
3 copy returned to the issuing agency identifying any defect.

4 (Source: P.A. 94-115, eff. 1-1-06.)